

**SUPREME COURT MINUTES
WEDNESDAY, JULY 14, 1999
SAN FRANCISCO, CALIFORNIA**

S078448 People, Respondent

4th Dist. v.

D029608 James Gerald Hale, Appellant

Div. 1 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Kelii*, S070960 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Baxter, J.

Brown, J.

S078718 People, Respondent

3rd Dist. v.

C029005 Vernon Jackson, Appellant

Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Kelii*, S070960 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.

Mosk, J.

Baxter, J.

Brown, J.

S078755 People, Respondent
2nd Dist. v.
B120137 Joey Porfirio Baca, Appellant
Div. 2 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Metters*, S069442 and *People v. Cleveland*, S078537 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Baxter, J.
Brown, J.

S056567 Robert S. Stone, Appellant
2nd Dist. v.
B092772 Edmond R. Davis et al., Respondents
Div. 5

The above-entitled review is hereby transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its decision and to reconsider the cause in light of *Jordache v. Brobeck, Phleger & Harrison* (1998) 18 Cal.4th 739.

George, C.J.
Mosk, J.
Baxter, J.
Brown, J.

S061544 Patrick Barkhordarian et al., Appellants
1st Dist. v.
A073726 Cooley, Godward, Castro, Huddleson & Tatum et al., Respondents
Div. 5 The above-entitled review is hereby transferred to the Court of
Appeal, First Appellate District, Division Five, with directions to
vacate its decision and to reconsider the cause in light of *Jordache v.*
Brobeck, Phleger & Harrison (1998) 18 Cal.4th 739.

George, C.J.
Mosk, J.
Baxter, J.
Brown, J.

S057491 Richard A. Ervais, Appellant
2nd Dist. v.
B089977 Russell Glauber et al., Respondents
Div. 3 Pursuant to rule 29.4(c), California Rules of Court, the above-
entitled review is DISMISSED and cause is remanded to the Court of
Appeal, Second Appellate District, Division Three.

George, C.J.
Mosk, J.
Baxter, J.
Brown, J.

S050142 In re Larry Douglas Lucas
on
Habeas Corpus
BY THE COURT
In the matter of Larry Douglas Lucas on Habeas Corpus,
S050142, it is ordered that the Honorable Patrick Couwenberg of the
Los Angeles County Superior Court is appointed to serve as referee.
The referee, after proper notice to the parties, is directed to hold
an evidentiary hearing and to make findings upon the following
questions:
1. What actions did petitioner's trial attorneys James E.
Patterson and Richard A. LaPan take to investigate potential

evidence in mitigation for the purpose of the penalty phase of trial? What were the results of the investigation? Was that investigation conducted in a manner to be expected of reasonably competent attorneys acting as diligent advocates? If not, in what respects was it inadequate?

2. If trial counsel's investigation was inadequate, what additional information would an adequate investigation have disclosed?

3. After conducting an adequate investigation of the circumstances in mitigation of penalty, would reasonably competent attorneys acting as diligent advocates have introduced evidence in mitigation at the penalty phase of the trial? What rebuttal evidence reasonably would have been available to the prosecution?

4. During guilt phase deliberations, what did Juror Kath say with respect to his own drug use and his resulting opinion regarding petitioner's defense, and under what circumstances and in whose hearing did he make any such statement?

It is further ordered that the referee prepare and submit to this court a report of the proceedings conducted pursuant to this appointment, of the evidence adduced, and of the findings of fact made.

S068655 In re Daniel Steven Jenkins
 on
 Habeas Corpus
 BY THE COURT

In the matter of Daniel Steven Jenkins on Habeas Corpus, S068655, it is ordered that the Honorable John Fisher of the Los Angeles County Superior Court is appointed to serve as referee.

The referee is directed to hold, after proper notice to the parties, an evidentiary hearing to determine whether Daniel Steven Jenkins is mentally competent to withdraw his petition for writ of habeas corpus, applying the standard set out by the United States Supreme Court in *Rees v. Payton* (1966) 384 U.S. 312, as follows: "whether [the prisoner] has capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation or on the other hand whether he is suffering from a mental disease, disorder, or defect which may substantially affect his capacity" (*Id.* at p. 314.) The referee also shall make findings

on the question whether the prisoner has made a knowing, intelligent, and voluntary waiver of his right to proceed. (See *Whitmore v. Arkansas* (1990) 495 U.S. 149, 165.) The Attorney General and counsel appointed for Jenkins, Mr. Michael R. Snedeker, may participate in the hearing. Separate counsel may be appointed for the prisoner if he so requests. It is contemplated that experts in the field of psychiatry and psychology may be appointed to examine and test the prisoner and that such experts may appear at the hearing to offer opinion evidence. (See *Rees v. Payton, supra*, 384 U.S. at pp. 313-314; *Mason v. Vasquez* (9th Cir. 1993) 5 F.3d 1220, 1221-1224.) The referee shall make findings whether Jenkins's competence is established by a preponderance of the evidence. (*Mason v. Vasquez, supra*, 5 F.3d at p. 1225.)

It is further ordered by this court that as soon as the referee has made findings pursuant to this order, he shall transmit the record of the hearing including all exhibits thereto, and the findings and opinion of the referee, directly to this court for further proceedings.

S080046 In re Leon Richard
 on
 Habeas Corpus
 Petition for writ of habeas corpus DENIED as moot.

1st Dist. People, Respondent
A076924 v.
Div. 1 Kenneth James Goode, Appellant
S078660 Appellant's petition for review DENIED.

1st Dist. David Lee Birkholz, Appellant
A079888 v.
Div. 3 State of California et al., Respondents
S079383 Appellant's petition for review DENIED.

1st Dist. People, Respondent
A080231 v.
Div. 4 Carlos Massey, Appellant
S079338 Appellant's petition for review DENIED.

1st Dist. A080340 A081156 Div. 2 S079370	People, Respondent v. Curtis James Carter et al., Appellants And Companion Case Appellants' petition for review DENIED.
1st Dist. A080541 Div. 1 S078616	In re Edwaun Victor Moore on Habeas Corpus ----- People, Respondent v. Edwaun Victor Moore, Appellant Petition for review DENIED.
1st Dist. A080554 Div. 4 S079395	People, Respondent v. Rahshan Mackey, Appellant Appellant's petition for review DENIED.
1st Dist. A080914 Div. 4 S079406	Christopher Tyler et al., Respondents v. Dell Williams et al., Appellants Appellants' petition for review DENIED.
1st Dist. A081292 Div. 4 S079464	People, Respondent v. Kenneth Fullman Jong, Respondent Respondent's petition for review DENIED.
1st Dist. A082530 Div. 5 S079558	People, Respondent v. Leland Shannon Muro, Appellant Appellant's petition for review DENIED.
1st Dist. A083007 Div. 5 S079327	In re Kemma and Kimaji C., Persons Coming Under the Juvenile Court Law ----- Alameda County Social Services Agency, Respondent v. Disraeli M., Appellant Petition for review DENIED.

1st Dist. A083694 Div. 1 S079553	People, Appellant v. Joseph Daniel Lindsay, Respondent Appellant's petition for review DENIED.
1st Dist. A084029 Div. 2 S079577	Redwood Region Audubon Society et al., Appellants v. County of Humboldt et al., Respondents Pacific Lumber Company, Real Party in Interest Appellants' petition for review DENIED.
1st Dist. A085483 Div. 4 S079342	Genevieve A. Varakin, Petitioner v. San Francisco County Superior Court, Respondent Anne Kirueshkin, Real Party in Interest Appellant's petition for review DENIED.
1st Dist. A086086 Div. 1 S078661	In re Kenneth Goode on Habeas Corpus Petition for review DENIED.
1st Dist. A086865 Div. 5 S079303	Joseph F. Brazil, Jr., Petitioner v. Sonoma County Superior Court, Respondent John W. Brazil et al., Real Parties in Interest Petition for review DENIED.
1st Dist. A086980 Div. 1 S079576	Betty Reich et al., Petitioners v. Alameda County Superior Court, Respondent Jayne Manor Homeowners Assn. et al., Real Parties in Interest Petition for review DENIED.
1st Dist. A087203 Div. 1 S080047	Shell Oil Company et al., Petitioners v. San Francisco County Superior Court, Respondent Communities for a Better Environment, Real Party in Interest Application for stay and petition for review DENIED. George, C.J., did not participate.

1st Dist. William Pillars, Petitioner
A087268 v.
Div. 5 Contra Costa County Superior Court, Respondent
S079987 People, Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. Oganess Saakyan et al., Appellants
B092167 v.
Div. 3 Modern Auto Inc., Appellant
S079224 David Saldana, Respondent
Petition for review DENIED.

2nd Dist. Joe Notrica DBA Notrica's 23rd Street Market, Respondent
B097529 v.
Div. 4 State Compensation Insurance Fund, Appellant
S078505 Appellant's petition for review DENIED.
The requests for an order directing depublication of the opinion are DENIED.

2nd Dist. Thomas M. Figenshu, Respondent
B107532 v.
Div. 5 State of California et al., Appellants
S079219 Petitions for review DENIED.
The request for an order directing publication of the opinion is DENIED.

2nd Dist. In re the Marriage of Bernard Wior and Carol Wior
B107708 -----
Div. 5 Bernard Wior, Respondent
S078674 v.
Carol Wior, Appellant
Petition for review DENIED.

2nd Dist. People, Respondent
B111291 v.
Div. 3 Jesus Abalos, Appellant
S079434 Appellant's petition for review DENIED.

2nd Dist. B111816 Div. 6 S078558	People, Respondent v. Antonio Granillo et al., Appellants Appellants' petitions for review DENIED.
2nd Dist. B113465 Div. 4 S079554	Donald R. Harris, Appellant v. City of Los Angeles, Respondent Appellant's petition for review DENIED.
2nd Dist. B113992 Div. 5 S079435	Northwest Jet Sales and Leasing Corporation, Respondent v. Laurence Balter et al., Appellants Appellants' petition for review DENIED.
2nd Dist. B114177 Div. 2 S078567	People, Respondent v. Baldemar Caballero, Appellant Appellant's petition for review DENIED.
2nd Dist. B114486 Div. 4 S079310	People, Respondent v. Leodies Johnson, Appellant Appellant's petition for review DENIED.
2nd Dist. B114804 Div. 6 S078870	People, Respondent v. Maurice Van Roberson, Appellant Appellant's petition for review DENIED.
2nd Dist. B115217 Div. 6 S078883	Daniel M. Campbell, Appellant v. James R. Alger et al., Respondents Appellant's petition for review DENIED.
2nd Dist. B115878 Div. 5 S078984	Talon Instruments Inc. et al., Respondents v. John Fluke Manufacturing Company Inc., Appellant Appellant's petition for review DENIED.

2nd Dist. Lennard Davis, Jr., Appellant
B116551 v.
Div. 2 Rashidah Ali-Brown, Respondent
S079271 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B116818 v.
Div. 3 Loistine Drake, Appellant
S078806 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B116856 v.
B124764 Alexandre Mirzayance, Appellant
Div. 5 -----
S078671 In re Alexandre Mirzayance on Habeas Corpus
Appellant's petition for review DENIED.

2nd Dist. Lindsey Joanna Frederick, Respondent
B117200 v.
Div. 6 Mercury Insurance Company, Appellant
S079318 Appellant's petition for review DENIED.

2nd Dist. Ventura County Flood Control District, Appellant
B117274 v.
Div. 6 Daniel M. Campbell, Respondent
S078947 Truestone Concrete Products Incorporated et al., Respondents
Appellant's petition for review DENIED.

2nd Dist. Vadim Gevel et al., Appellants
B117433 v.
Div. 5 Boris S. Chacham et al., Respondents
S079320 Petition for review DENIED.

2nd Dist. People, Respondent
B117691 v.
Div. 1 Mora David Lopez, Appellant
S078852 Petitions for review DENIED.

2nd Dist. People, Respondent
B118163 v.
Div. 4 Martin Valasquez, Appellant
S079433 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B118654 v.
Div. 2 Richard Carlton Risher, Appellant
S079625 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B118719 v.
Div. 6 Philip Fond, Appellant
S078819 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B118865 v.
Div. 2 Robert James Murphy, Appellant
S079411 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B119148 v.
Div. 4 Gary August Hatch, Appellant
S079537 Appellant's petition for review DENIED.

2nd Dist. Abbott Altwiji, Appellant
B119272 v.
Div. 2 Manuwal & Manuwal, Respondent
S079398 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B119317 v.
Div. 5 Steve Epifano Ramirez, Appellant
S079311 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B119473 v.
Div. 2 Richard Barrero, Appellant
S079511 Appellant's petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

2nd Dist. People, Respondent
B119561 v.
Div. 2 Enrique Perez, Appellant
S078418 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B120388 v.
Div. 4 Sean Montel Allen, Appellant
S079430 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B120511 v.
B125327 Darnell Eugene J., Appellant
Div. 2 -----
S079586 In re Darnell Eugene J., a Person Coming Under the
Juvenile Court Law
And Companion Case
Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B120793 v.
Div. 7 C.T. Blake, Appellant
S078436 Petitions for review DENIED.

2nd Dist. People, Respondent
B120945 v.
Div. 5 Cleophus T. Bealey, Appellant
S079287 Appellant's petition for review DENIED.

2nd Dist. In re Maurice Van Roberson
B121014 on
Div. 6 Habeas Corpus
S078871 Petition for review DENIED.

2nd Dist. People, Respondent
B121054 v.
Div. 4 Eric L. Gonzalez, Appellant
S079364 Appellant's petition for review DENIED.

2nd Dist. Elizabeth Pederson, Respondent
B121201 v.
Div. 1 National Broadcasting Company Incorporated, Appellant
S079387 Petition for review DENIED.

2nd Dist. People, Respondent
B121252 v.
Div. 1 Frank L. Duncan, Appellant
S079459 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B121306 v.
Div. 5 Ryan C. Reina, Appellant
S078835 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B121320 v.
Div. 5 Shawntey McCreary, Appellant
S079510 Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B121364 v.
Div. 2 Ismael Garcia Marquez, Appellant
S079347 Appellant's petition for review DENIED.

2nd Dist. In re James B., a Person Coming Under the Juvenile Court Law
B121725 -----
Div. 2 People, Respondent
S079555 v.
James B., Appellant
Appellant's petition for review DENIED.

2nd Dist. People, Respondent
B121876 v.
Div. 3 Heraclio S. Rodriguez, Appellant
S079606 Appellant's petition for review DENIED.

2nd Dist. B122004 Div. 5 S079324	People, Respondent v. Darryl Robinson, Appellant Appellant's petition for review DENIED.
2nd Dist. B122101 Div. 3 S079030	In re Santonio B., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Santonio B., Appellant Petition for review DENIED.
2nd Dist. B122175 Div. 2 S079503	Bian Denise Gormley, Appellant v. Douglas Arthur Williams, Respondent Petition for review DENIED. The request for an order directing publication of the opinion is DENIED.
2nd Dist. B122597 Div. 2 S078595	People, Respondent v. Juan Marichal Burroughs, Appellant Respondent's petition for review DENIED.
2nd Dist. B122784 Div. 2 S079535	Leonard B. Fisch et al., Appellants v. United Spancrete Products Corporation et al., Respondents Appellants' petition for review DENIED.
2nd Dist. B122985 Div. 5 S079530	People, Respondent v. Andranik Karabajakyan, Appellant Appellant's petition for review DENIED.
2nd Dist. B123862 Div. 3 S079456	People, Respondent v. Javier Adrian Acevedo, Appellant Appellant's petition for review DENIED.

2nd Dist. B123871 Div. 6 S079335	In re Eerrickkee B., a Person Coming Under the Juvenile Court Law ----- San Luis Obispo County Department of Social Services, Respondent v. Paula R., Appellant Petition for review DENIED.
2nd Dist. B124294 Div. 6 S078872	In re Maurice Van Roberson on Habeas Corpus Petition for review DENIED.
2nd Dist. B124683 Div. 5 S079378	People, Respondent v. Daniel A. Gomez, Appellant Appellant's petition for review DENIED.
2nd Dist. B125066 Div. 6 S079494	People, Respondent v. Richard Allen Gomez, Appellant Appellant's petition for review DENIED.
2nd Dist. B125700 Div. 6 S079570	Patrick Dain, Appellant v. County of Ventura et al., Respondents Appellant's petition for review DENIED.
2nd Dist. B127208 Div. 5 S079557	In re Jose S., a Minor ----- Los Angeles County Dept. of Children and Family Svc., Respondent v. Jose S., Appellant Petition for review DENIED.
2nd Dist. B127818 Div. 6 S079267	Sandra L. Benner, Petitioner v. Workers' Compensation Appeals Board, Respondent YMCA et al., Real Parties in Interest Petition for review DENIED.

2nd Dist. People, Petitioner
B128368 v.
Div. 7 Los Angeles County Superior Court, Respondent
S079628 Eugene George, Real Party in Interest
Real Party in Interest's petition for review DENIED.

2nd Dist. In re Eddie James Jenkins
B128381 on
Div. 4 Habeas Corpus
S078621 Petition for review DENIED.

2nd Dist. Farmers Group Incorporated, Petitioner
B130544 v.
Div. 4 Los Angeles County Superior Court, Respondent
S079414 Lee Hellinger et al., Real Parties in Interest
Petition for review DENIED.

2nd Dist. Robert Mardirrosian, Petitioner
B130925 v.
Div. 2 Los Angeles County Superior Court, Respondent
S078383 People, Real Party in Interest
Petition for review DENIED.

2nd Dist. In re Alvin Smith Jr.
B131510 on
Div. 1 Habeas Corpus
S079509 Petition for review DENIED.

2nd Dist. Audrianne Norwood, Petitioner
B131529 v.
Div. 5 Los Angeles County Superior Court, Respondent
S079560 Load Lock N Roll, Real Party in Interest
Petition for review DENIED.

2nd Dist. Carmen E. Campbell, Petitioner
B131660 v.
Div. 4 Los Angeles County Superior Court, Respondent
S079184 John C. Thornton, Real Party in Interest
Petition for review DENIED.

2nd Dist. Debra Kline, Petitioner
B131713 v.
Div. 7 Los Angeles County Superior Court, Respondent
S079191 Redevelopment Agency of the City of Pomona, Real Party in Interest
Petition for review DENIED.

2nd Dist. In re Gilberto Morfin Ortiz
B131743 on
Div. 3 Habeas Corpus
S079522 Petition for review DENIED.

2nd Dist. James McKaughan, Petitioner
B131852 v.
Div. 6 Ventura County Superior Court, Respondent
S079331 People, Real Party in Interest
Petition for review DENIED.

3rd Dist. People, Respondent
C025736 v.
S078605 Rudolph Raymond Simental, Jr., Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C025750 v.
S079337 Molton Dee Lyles, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C027096 v.
S078649 Nathaniel Maurice Poplar, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C027161 v.
S079328 Roderic Clevis Branch, Appellant
Appellant's petition for review DENIED.

3rd Dist. C027510 S079475	Nancy Burge, Appellant v. Dennis Taylor, Appellant Petition for review DENIED.
3rd Dist. C027724 S078807	People, Respondent v. Thomas Albert Rodriguez, Appellant Appellant's petition for review DENIED.
3rd Dist. C028029 S079608	People, Respondent v. Brian Christopher Simas, Appellant Petition for review DENIED.
3rd Dist. C028137 S079451	People, Respondent v. Ralph Frank Cruz, Appellant Appellant's petition for review DENIED.
3rd Dist. C028214 S079508	People, Respondent v. James Larry Ezedkiel, Appellant Appellant's petition for review DENIED.
3rd Dist. C028333 S079419	People, Respondent v. David Fresquez, Appellant Appellant's petition for review DENIED.
3rd Dist. C028602 S079443	People, Respondent v. John Howard Soule, Appellant Appellant's petition for review DENIED.
3rd Dist. C028625 S078609	People, Respondent v. Kareem Rashad Sims, Appellant Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C028643 v.
S079330 Francisco Perez Medina, Appellant
Appellant's petition for review DENIED.

3rd Dist. Ernesto Basilio, Appellant
C028764 v.
S079122 Camray Development & Construction Company et al., Respondents
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C029795 v.
S078594 Terrence Terrill Hodges, Appellant
Appellant's petition for review DENIED.
The request for an order directing partial depublication of the
opinion is DENIED.

3rd Dist. People, Respondent
C029951 v.
S079573 Joshua Micah Hoekstra, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C030069 v.
S078642 Craig Lamont Hinton, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C030079 v.
S079579 Joseph William Vitali, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C030080 v.
S079431 Jermaine Antonio Owens, Appellant
Appellant's petition for review DENIED.

3rd Dist. C030096 S079468	People, Respondent v. James Donald Root, Appellant Appellant's petition for review DENIED.
3rd Dist. C031264 S079082	In re Travis J., a Person Coming Under the Juvenile Court Law ----- San Joaquin County Human Services Agency, Respondent v. Brande J., Appellant Petition for review DENIED.
3rd Dist. C032132 S079529	County of Sacramento, Petitioner v. Workers' Compensation Appeals Board et al., Respondents Petition for review DENIED.
3rd Dist. C032220 S078569	In re Matthew Jay on Habeas Corpus Petition for review DENIED.
3rd Dist. C032558 S079481	Albert Caraig, Petitioner v. San Joaquin County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
3rd Dist. C032559 S079484	Albert Caraig, Petitioner v. San Joaquin County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
3rd Dist. C032632 S079937	Town of Paradise et al., Petitioners v. Butte County Superior Court, Respondent Oak Creek Estates, Real Party in Interest Application for stay and petition for review DENIED.

4th Dist. Jamul Highlands Properties et al., Appellants
D023439 v.
Div. 1 Newette J. Stone et al., Appellants
S079223 Michael Lubitz, Respondent
Petition for review DENIED.

4th Dist. Patrick Palmer, Respondent
D025004 v.
Div. 1 Avis Whitford, Appellant
S079603 Petition for review DENIED.

4th Dist. Ben Cipranic et al., Appellants
D026668 v.
Div. 1 Frank C. Gatlin III et al., Appellants
S079361 Appellants' petition for review DENIED.

4th Dist. People, Respondent
D028258 v.
Div. 1 Rhonda Elaine Van Pelt, Appellant
S078886 Respondent's petition for review DENIED.

4th Dist. Sergio Buscio, Appellant
D028396 v.
Div. 1 Carnival Corporation, Respondent
S079376 Respondent's petition for review DENIED.
The requests for an order directing publication of the opinion are
DENIED.

4th Dist. People, Respondent
D029567 v.
Div. 1 Jose Melendez, Appellant
S078452 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D029650 v.
Div. 1 Jorge Ivan Sanchez, Appellant
S078887 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D029872 v.
Div. 1 Juan Jesus Chavez, Appellant
S079458 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D029984 v.
Div. 1 Adrian Rodriguez, Appellant
S078906 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D030371 v.
Div. 1 Karis L. Anderson, Appellant
S079377 Appellant's petition for review DENIED.

4th Dist. People, Respondent
D030498 v.
Div. 1 John Dumas, Appellant
S079605 Appellant's petition for review DENIED.

4th Dist. In re Vhijay G. and Frank G., Persons Coming Under the
D030875 Juvenile Court Law
D030935 -----
Div. 1 People, Respondent
S079568 v.
Vhijay G. et al., Appellants
Appellants' petition for review DENIED.

4th Dist. People, Respondent
D030962 v.
D032656 Raymond Douglas Crowder, Appellant
Div. 1 -----
S079507 In re Raymond Douglas Crowder on Habeas Corpus
Appellant's petition for review DENIED.

4th Dist. People, Respondent
D031050 v.
Div. 1 Amos T. Ryles, Appellant
S079580 Appellant's petition for review DENIED.

4th Dist. D031523 Div. 1 S079528	People, Respondent v. Alvis James Bailey, Appellant Appellant's petition for review DENIED.
4th Dist. D031623 Div. 1 S079596	People, Respondent v. Mark Mitchell Morino, Appellant Appellant's petition for review DENIED.
4th Dist. D032122 Div. 1 S079463	In re the Marriage of Melody and Richard A. Schulman ----- Melody Schulman, Respondent v. Richard A. Schulman, Appellant Petition for review DENIED.
4th Dist. D032276 Div. 1 S079314	People, Respondent v. Clive P. Allison, Appellant Appellant's petition for review DENIED.
4th Dist. D032340 Div. 1 S079278	In re Cleopatra S., a Person Coming Under the Juvenile Court Law ----- San Diego County Health and Human Services Agency, Respondent v. Rita S., Appellant Petition for review DENIED.
4th Dist. D033229 Div. 1 S079134	Carmelita Viray, Appellant v. Beneficial California Incorporated, Respondent Petition for review DENIED.
4th Dist. D033272 Div. 1 S079655	Gen-Probe Incorporated, Petitioner v. San Diego County Superior Court, Respondent BP Amoco Corporation et al., Real Parties in Interest Petition for review DENIED.

4th Dist. II-S Corporation, Petitioner
D033523 v.
Div. 1 Alcoholic Beverage Control Appeals Board et al., Respondents
S079975 Application for stay and petition for review DENIED.

4th Dist. People, Respondent
E020900 v.
E021802 John James Hinds, Appellant
Div. 2 And Companion Case
S079415 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E021828 v.
Div. 2 Michael Albert Story, Appellant
S078602 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E021963 v.
Div. 2 Gary Anselmo Morace, Appellant
S079440 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022289 v.
Div. 2 Charles Snuggs, Appellant
S079564 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022424 v.
Div. 2 Reginald Leon Ellis, Appellant
S079612 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022649 v.
Div. 2 Jim Lee Daniel Mardis, Appellant
S079513 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022734 v.
Div. 2 Byron John Magallanez, Appellant
S079565 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022830 v.
Div. 2 Robert Morris Hoff, Appellant
S079582 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E022899 v.
Div. 2 Jose Guadalupe Amador, Appellant
S078679 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E023003 v.
Div. 2 Anita Latrace, Appellant
S079319 Appellant's petition for review DENIED.

4th Dist. People, Respondent
E023065 v.
Div. 2 Thomas S. Thompson, Appellant
S079317 Appellant's petition for review DENIED.

4th Dist. Edward A. Drouillard, Appellant
G019112 v.
Div. 3 Ryobi Outdoor Products Incorporated, Respondent
S079379 Appellant's petition for review DENIED.

4th Dist. James U. Hall, Appellant
G019254 v.
Div. 3 Paul Kuhn et al., Respondents
S079304 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G020418 v.
Div. 3 Rafael A. Maldonado, Appellant
S079386 Appellant's petition for review DENIED.

4th Dist. John L. Brown, Appellant
G021199 v.
Div. 3 Shelley Ann Brown, Respondent
S078525 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G021376 v.
G023077 Victor Young Lee, Appellant
Div. 3 -----
S079658 In re Victor Young Lee on Habeas Corpus
And Companion Case
Appellant's petition for review DENIED.

4th Dist. People, Respondent
G021528 v.
Div. 3 Steven Edward Yaklyvich, Appellant
S079561 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G022361 v.
G023325 Courtney Lamarr Williams, Appellant
Div. 3 And Companion Case
S079551 Appellant's petition for review DENIED.

4th Dist. Leon Strahan, Appellant
G022501 v.
Div. 3 Theresa McLaughlin et al., Respondents
S079345 Petition for review DENIED.

4th Dist. People, Respondent
G023375 v.
Div. 3 Ricky Lee Huegerich, Appellant
S079428 Appellant's petition for review DENIED.

4th Dist. Yahya Ghafari, Appellant
G023460 v.
Div. 3 Raul Tabares, Respondent
S079204 Appellant's petition for review DENIED.

4th Dist. People, Respondent
G023609 v.
Div. 3 Gene Gonzalez, Appellant
S078899 Appellant's petition for review DENIED.

4th Dist. Tito R. Pintor, Petitioner
G025282 v.
Div. 3 Orange County Superior Court, Respondent
S079380 Borg-Warner Protective Services Corporation, Real Party in Interest
 Petition for review DENIED.

5th Dist. People, Respondent
F029510 v.
S078519 Adrian A. Woodard et al., Appellants
 Petitions for review DENIED.

5th Dist. People, Respondent
F026449 v.
S078653 Larry Vickers, Jr., Appellant
 Appellant's petition for review DENIED.

5th Dist. Department of Fair Employment and Housing et al., Respondents
F027097 v.
S079266 Chamlian Enterprises Incorporated, Appellant
 Appellant's petition for review DENIED.

5th Dist. People, Respondent
F028612 v.
S078566 Juan Vasquez, Appellant
 Appellant's petition for review DENIED.

5th Dist. People, Respondent
F028883 v.
S079100 Tenniro Cammron Wall, Appellant
 Appellant's petition for review DENIED.

5th Dist. Jack Clark, Respondent
F028970 v.
S079662 Farmers Insurance Exchange, Appellant
 Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029126 v.
S079018 Anthony William Osborne, Appellant
 Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029255 v.
F029256 Tracy Burkhart, Appellant
S079471 And Companion Case
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029939 v.
F029940 Steven Christor, Appellant
S079602 Appellant's petition for review DENIED.

5th Dist. People, Respondent
F029956 v.
S079524 Emanuel Toles, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030174 v.
S079418 Claude Charles Spencer, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030490 v.
S079332 Timothy Daniel Doolittle, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030504 v.
S079455 Esteban Valdivia, Jr., Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030787 v.
S079506 Ruben Contreras Iniquez, Appellant
Appellant's petition for review DENIED.

5th Dist. In re Lori B., a Person Coming Under the Juvenile Court Law
F031485 -----
S079659 Tulare County Dept. of Health & Human Services, Respondent
v.
April J., Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F031552 v.
S079315 John Eric Wahlberg, Appellant
Appellant's petition for review DENIED.

5th Dist. In re Kimberly S., a Person Coming Under the Juvenile Court Law
F031975 -----
S079090 Fresno County Department of Social Services, Respondent
v.
Leanne W., Appellant
Petition for review DENIED.

6th Dist. People, Respondent
H017643 v.
S079065 Jesus Laguna Cortez, Appellant
Appellant's petition for review DENIED.

6th Dist. Heather Collignon, Respondent
H018152 v.
S079585 Timothy Dupuy, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Respondent
H018182 v.
S079584 Lisa Gale Harlow, Appellant
Appellant's petition for review DENIED.

6th Dist. People, Appellant
H018360 v.
S078592 Fred James Fletcher, Respondent
Respondent's petition for review DENIED.

6th Dist. H018425 S079446	People, Respondent v. Esther Joann Smith, Appellant Appellant's petition for review DENIED.
6th Dist. H018758 S079571	In re Crystal R., a Person Coming Under the Juvenile Court Law ----- Santa Cruz County Human Resources Agency, Respondent v. John R., Appellant Appellant's petition for review DENIED.
6th Dist. H018858 S079421	People, Respondent v. Richard Scott Meucci, Appellant Appellant's petition for review DENIED.
6th Dist. H019861 S078369	In re Richard Martinez Jackson on Habeas Corpus Petition for review DENIED.
2nd Dist. B119304 Div. 2 S078926	Westoil Terminals Co., Appellant v. Harbor Insurance Company et al., Respondents The Reporter of Decisions is directed to publish the opinion in the above-entitled case in the Official Reports. (See rule 976(d) and rule 978(c), California Rules of Court.)
L.A. App. Dept. BR36957 S078598	People, Respondent v. Robert McCumber, Appellant The request for an order directing publication of the opinion in the above entitled cause is DENIED.
1st Dist. A082244 Div. 4 S079381	City and County of San Francisco, Appellant v. Wilbert Freeman, Respondent The request for an order directing depublication of the opinion in the above entitled cause is DENIED.

2nd Dist. In re Jennifer M., a Person Coming Under the Juvenile Court Law
B124562 -----
Div. 2 Maricela C., Appellant
S078836 v.
L.A. County Dept. of Children & Family Svcs., Respondent
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

3rd Dist. In re the Marriage of Steven and Angela Russell
C028584 -----
S078991 Steven Russell, Appellant
v.
Angela Eboli, Respondent
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

3rd Dist. People, Respondent
C029555 v.
S078989 John Howard Soule, Appellant
The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

4th Dist. California School Employees Association et al., Appellants
E021478 v.
Div. 2 Alvord Unified School District et al., Respondents
S079021 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

4th Dist. Conservatorship of the Person and Estate of Angela D.
E022410 -----
Div. 2 Robert D., as Conservator, etc. et al., Respondents
S079390 v.
Angela D., Appellant
The request for an order directing depublication of the opinion in
the above entitled cause is DENIED.

4th Dist. Amplicon Incorporated, Respondent
G019798 v.
Div. 3 B. Green Company Incorporated, Appellant
S077929 The request for an order directing publication of the opinion in
the above entitled cause is DENIED.

S077019 In re Wencesloa Acosta
 on

Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file an informal response is extended to and including August 13, 1999.

S076615 In re Kevin Jamal Walker
 on

Habeas Corpus

On application of the Attorney General and good cause appearing, it is ordered that the time to serve and file an informal response is extended to and including August 16, 1999.

S014755 People, Respondent
 v.

Donald Ray Millwee, Appellant

The application of lead appointed counsel Michael H. Shapiro for permission to withdraw as attorney of record for condemned prisoner Donald Ray Millwee, filed June 18, 1999, is denied without prejudice, subject to Mr. Shapiro's filing of a new and different application that complies with the Supreme Court's Policies Regarding Cases Arising From Judgments of Death, Policy 2 ("Withdrawal of counsel").

The application of associate appointed counsel Susan K. Shapiro for permission to withdraw as attorney of record for condemned prisoner Donald Ray Millwee, filed July 29, 1998, also is denied without prejudice, subject to Ms. Shapiro's filing of a new and different application that complies with Policy 2.

S080343 Curtis A. Hemphill II, Petitioner
 v.

Riverside County Superior Court, Respondent
People, Real Party in Interest

The order of this court filed July 8, 1999, transferring the above-entitled matter to the Court of Appeal, Fourth Appellate District, Division One, is hereby amended to read "Court of Appeal, Fourth Appellate District, Division Two."

S075993 In re **Ronald E. Lais** on Discipline

Petitions for writ of review are denied.

It is ordered that **Ronald E. Lais** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that she be actually suspended for 90 days and until he makes restitution to Jesse Cox, or the Client Security Fund, if appropriate, in the amount of \$3,607 plus 10% interest per year from July 23, 1991, until paid, and furnishes satisfactory proof thereof to the Probation Unit of the State Bar. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its opinion filed July 10, 1998. Should the period of actual suspension exceed two years, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10.

*(See Business & Professions Code, § 6126, subd. (c).)

S080368 In the Matter of the Resignation of **Lynn Joyce Barrett**
A Member of the State Bar of California

The voluntary resignation of **Lynn Joyce Barrett** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against her should she hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

